

In the United States Patent and Trademark Office

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

IN RE: Application of PAUL MCBRIDE ET.AL.

FOR: DEVICE FOR COVERING THE EYES

SIR:

**PETITION FOR REVIVAL ON THE BASIS
OF UNINTENTIONAL ABANDONMENT**

COMES NOW the Petitioner, PAUL HENRY MCBRIDE, by and through his undersigned attorney, pursuant to 37 CFR §1.137(b), and files this Petition for Revival, and as a basis therefore states:

1. Petitioner filed an International Application under the Patent Cooperation treaty on August 11, 2004 (claiming a priority date of August 11, 2003). In the International Application, Petitioner designated the United States, among others. A copy of the publication data sheet is attached hereto as Exhibit A.
2. The 30 month period for entering the national phase expired on or about February 11, 2006. A national filing under 35 U.S.C. §371 was not made prior to the expiration of this period.
3. The inventor was unaware of the passing of the 30 month deadline. However, subsequent to the passing of the deadline, European patent counsel - Jensen & Son - took over prosecution of the case, became aware of the deadline, and informed the client of the need to take immediate action.

4. Jensen & Son promptly transmitted instructions to the undersigned to revive the

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AP20 Rec'd PCT/PTO 18 APR 2006

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Enclosed is:

1. A Petition for Revival on the basis of unintentional abandonment;
2. The required reply - A section 371 entry into the U.S. national phase under the PCT;
3. A Preliminary Amendment conforming the claims to U.S. practice;
4. An International Search Report, where ISA was the European Patent Office
5. The national phase filing fee of \$150;
6. The national stage search fee of \$200 (ISA report provided);
7. The petition fee of \$750 (revival where unintentionally abandoned) under 37 CFR 1.17;
and
8. A \$65 surcharge for late filing of the oath or declaration, in that the oath or declaration is
not filed herewith and must be filed subsequently.

Respectfully submitted this 14th day of April, 2006.



JOHN WILEY HORTON
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case. The undersigned received the transmission from Jensen & Son on April 5, 2006 and has acted expeditiously to file this Petition.

5. The undersigned has filed this Petition immediately after securing a copy of the PCT application and completing a preliminary amendment to conform the claims to U.S. claims practice. Accordingly, all parties involved have acted expeditiously to remedy the unintentional abandonment.

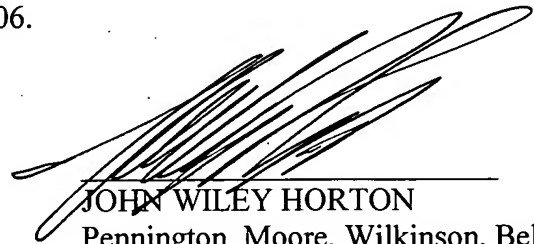
6. Petitioner did not intend to abandon the U.S. national phase of his PCT application. The entire delay in filing the required reply from the date for the reply until the filing of a grantable petition under 37 C.F.R. §1.137(b) was unintentional.

7. Attached hereto is the required reply - a 35 U.S.C. §371 pleading.

8. Also attached hereto are the appropriate petition and filing fees.

WHEREFORE, Petitioner respectfully requests that the Honorable Commissioner revive the subject application and permit prosecution thereon.

Respectfully submitted this 14th day of April, 2006.



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